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REPORT ON STUDIES AND DOCUMENTATION FOR THE WORLD CONFERENCE

Annotations to the studies

Report of the Secretary-General

1. The General Assembly, in its resolution 46/116, requested the Secretary-General to prepared a limited number of short, analytical and action-oriented studies on issues referred to in paragraph 1 of Assembly resolution 45/155, in Commission on Human Rights resolution 1991/30 and in other relevant documentation and statements made at the first session of the Preparatory Committee.

2. The present report lists the themes for the proposed studies and provides annotations for each of the main themes, which are organized in accordance with the objectives set out in paragraph 1 (a) to (f) of General Assembly resolution 45/155. The annotations are meant to be indicative only in terms of the topics which will eventually be covered by the studies. Furthermore, as indicated in Assembly resolution 46/116, the secretariat will consider all issues and proposals brought up in the relevant resolutions and in written and oral statements made at the General Assembly, the Preparatory Committee and the Commission on Human Rights.

3. Other United Nations bodies, the specialized agencies, other intergovernmental and regional organizations, national institutions and non-governmental organizations will be requested to contribute to the studies within their areas of competence. It is proposed that these inputs be provided in close cooperation with the Centre for Human Rights and with the secretariat of the World Conference. In addition, reports of meetings organized pursuant to General Assembly resolutions 45/155 and 46/116 will be considered as substantive inputs to the process of preparing the studies and other documentation.

Objective 1: "To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome to further progress in this area" (resolution 45/155, para. 1 (a))

4. The study should build on the wide range of international human rights standards, implementation efforts and United Nations reports relating to the impact of the international instruments on domestic laws and practices. The study should examine the substantive provisions of the Charter of the United Nations relating to human rights. With regard to future priorities of the Organization, further progress could be achieved by focusing on Article 1 of the Charter which lists among the purposes of the Organization the maintenance of international peace and security, the achievement of international cooperation in the economic, social, cultural and humanitarian spheres and the promotion of respect for human rights and fundamental freedoms. In this context, the study would look into work carried out by the United Nations towards the realization of the right of self-determination and the elimination of discrimination based on race and sex. The study should focus on equality as the fundamental rule of international human rights law, as spelled out in the Charters, the Universal Declaration and the two International Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and a large number of other instruments, includng those emanating from the International Labour Organization, United Nations Educational, Scientific and Cultural Organization and the two World Conferences to Combat Racism and Racial Discrimination. The study should address phenomena which cause and flow from breaches of the fundamental rule of equality, with particular reference to racism, racial discrimination, denial of human dignity, discrimination against vulnerable groups and methods of combating new and evolving manifestations of such discrimination. The groups in question would include minorities and indigenous and tribal peoples. Another area of particular attention could be the various aspects of justice and the rule of law, includng good governance and the administration of justice.

5. The study should also review and assess progress achieved with regard to the human rights of children and the human rights of women and the girl child. It could focus, in particular, on the rights relating to life, survival, development, education, food and an adequate standard of living in the context of the Convention on the Rights of the Child. Among the equality issues to be included are equality of opportunity, equality of condition,

equality of nutrition, equality of education and freedom of choice. The problems resulting from the gender discrimination facing the girl child should be the subject of particular attention, along with the problems of violence against women and traditional practices harmful to women. In the latter concept, the Centre for Human Rights is workiing with the United Nations Non-Governmental Liaison Service at Geneva which is coordinating a publication on the human rights of women. This publication is geared to the objectives of the World Conference and is scheduled for completion by the end of 1992.

6. In addition, the study would analyse threats, impediments and obstacles to the full realization of human rights and freedoms in the political, economic and social spheres, including economic disparities, poverty, illiteracy, internal conflicts involving minorities and emergency situations. This would include threats to democracy such as military coups d'etats, terrorism and other violence in the context of the systematic undermining and destruction of constitutional and human rights guarantees inherent in a democracy. The study would include proposals on how the international community could respond to the situations listed above, including ways in which progress could be made towards enhancing bilateral and multilateral development cooperation in order to further human rights and towards creating the necessary conditions for fruitful cooperation and the realization of all rights and freedoms.

Objective 2: "To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights" (resolution 45/155, para. 2 (b))

7. The overall relationship between human rights, development and democracy would be the subject of examination in this study, in particular the relationship between development and the enjoyment by everyone of civil, political, cultural, economic and social rights, as well as the right to development. The study could scrutinize the relationship between certain basic human rights components of development (equality, dignity, adequate standard of living, food, shelter, health, education, social security, etc) and democracy (equality, freedom of expression, association, assembly, information, etc.). The study could analyse the contribution to the strengthening of democratic societies by United Nations technical assistance in connection with national elections and referendums, as requested by the States concerned. The study would look into the right to development as a human right, the degree to which it has been accepted and implemented, and what further United Nations, national and other international action could be taken towards its possible realization. The study would also focus on the "Four Freedoms" (of speech and belief, and from fear and want), as well as the impact of debt burdens and poverty on the enjoyment of human rights and fundamental freedoms. Ways in which different cultural, religious and social characteristics and values could be incorporated into the promotion of universally accepted human rights need to be examined. Emphasis should be placed on forward-looking strategies relating, in particular, to sustainable development, popular participation and democratic institutions.

Objective 3: "To examine ways and means to improve the implementation of existing human rights standards and instruments" (resolution 45/155, para. 2 (c))

8. A principal objective of all standard-setting is obviously the translation of international rules and recommendations into effective national legislative, judicial and administrative practice. This goal is implicit in the Charter of the United Nations. To that end, the study would include an examination of the means of promoting and encouraging universal adherence to the full range of existing human rights instruments and of the disincentives to participation therein. It would also analyse existing and suggest new practical measures to facilitate adherence as well as implementation at the national and local levels, explore ways of mitigating local difficulties with respect to ratification, accession and implementation, and evaluate the phenomenon of far-reaching reservations to human rights treaties.

9. Another aspect of this study would aim at streamlining implementation procedures set up under existing international human rights treaties and resolutions, and at introducing methods for following-up the findings and recommendations of the various implementation-monitoring bodies. Suggestions would include those emanating from the joint meetings of the persons chairing the human rights treaty bodies, from the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and from the oral and written statements submitted to the Preparatory Committee. In this context, the study would draw on the note by the Secretary-General on the effective implementation of international instruments on human rights including reporting obligations under international instruments (A/44/668). Furthermore, the study should contain a comprehensive analysis of the present system of treaty-based reporting obligations of States parties and how this system could be improved. The study should also look into existing responses to alleged or real violations, such as fact-finding, good offices, etc. and examine ways and means of strengthening these procedures, achieving better coordination between them and reducing overlap. The rights of children, of the girl child and of women could again be the focus of the inquiry.

10. The study should also focus on the contribution by non-governmental organizations to research, standard-setting, implementation, technical cooperation and promotional activities in the field of human rights. The study could also analyse the contribution of non-governmental organizations to the different sectors of human rights work.

Objective 4: "To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights" (resolution 45/155, para. 1 (d))

11. The study should contain an inventory and assessment of the existing modalities of the United Nations in the field of human rights, including the roles, functions and coordination of the various bodies currently working in the field and their potential role in the future. Such critical components of the human rights programme as technical assistance, technical cooperation, and public information and other promotional activities should be stressed and

should emphasize training and education programmes for primary and secondary schools and for different categories of personnel directly involved in the promotion and protection of human rights. The study should analyse ongoing activities of the Centre for Human Rights and of other bodies within the United Nations system, including cooperation with Governments and national institutions, as well as cooperation between Governments in this field. The study could draw on available reports of the Centre to the Commission on Human Rights in connection with, for example, the effectiveness of the Centre's advisory services and technical assistance programme. In addition, the study could lay the foundation for the development of guidelines for the formulation, execution and evaluation of particular projects, of manuals for use in training courses for public officials held under the auspices of the United Nations, and of reference materials on sources of human rights information relating to standards, procedures and technical assistance. The study should list and analyse bibliographies and computerized databases in the human rights field and propose means to expand them and reinforce their relevance to ongoing work on human rights. The study should also contain a list of all existing language versions of international human rights instruments. It is expected that the report of the forthcoming UNESCO meeting on human rights education and democracy will be a major contribution to the Conference. Furthermore, it would be desirable for different professional societies to contribute, from the point of view of their respective disciplines, to an analysis of human rights issues and problems related to human rights education and human rights awareness, including such issues as academic freedom and the handling of human rights information. The study should examine in a comprehensive manner promotional activities in the field of human rights undertaken within the entire United Nations system, including the variety of information materials available and, in particular, the World Public Information Campaign.

12. Among the many other issues which this objective evokes is the relationship between human rights law, humanitarian law and refugee law. The study could focus on the relationship as well as the differences between the substance of and procedures concerning these three branches of law. It could examine the causes of refugee flows, mass exoduses and internal displacement, and the similarities and differences between the various international responses to natural and man-made disasters. Furthermore, the study should look at the cooperation and coordination between the relevant intergovernmental and non-governmental agencies in carrying out their respective mandates.

Objective 5: "To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms" (resolution 45/155, para. 1 (e))

13. This study would review measures designed to increase adherence to international human rights instruments. Furthermore, the study would look into ways of streamlining and strengthening reporting obligations and of enhancing acceptance of treaty-based and other communication procedures. The study would therefore need to undertake a comparison and analysis of the

reporting and communication procedures currently in use. It would also include an examination of technical assistance extended to Governments relating to amendments or revisions of national constitutions, legislative acts, administrative regulations, etc. and in carrying out their reporting obligations. The role and contribution, and how these could be expanded, of regional organizations, independent national institutions and non-governmental organizations in this process would be examined.

14. The study should seek ways of improving coordination and cooperation within the United Nations system with respect to the various implementation-monitoring procedures, including those mentioned above, as well as special procedures, good offices, follow-up, etc., and explore methods of strengthening them. The publications programme and other promotional activities of the Centre and of other relevant organizational components could also be the subject of study.

Objective 6: "To make recommendations for ensuring the necessary financial and other resources for United Nations activities in the promotion and protection of human rights and fundamental freedoms" (resolution 45/155, para. 1 (f))

15. Keeping in mind Article 1 of the Charter of the United Nations, this study should include an examination of ways and means to strengthen the position of human rights as one of the future priorities of the United Nations system, with emphasis on cooperation between all the relevant organs and agencies. In this respect, the study would look at the role of the United Nations Centre for Human Rights as the coordinating unit and focal point within the United Nations system for human rights activities, not least as they affect development, women, children, minorities, indigenous peoples, refugees and displaced persons. The Commission on Human Rights, in several resolutions, has called on the Centre to assume such a role. In this respect, the study should, inter alia analyse the Centre's existing mandates and activities under the "triangular approach" to human rights, as well as its present and future coordinating role at the international, regional and national levels. Furthermore, the study should specify what human and financial resources, including management planning and personnel policies, would be necessary to achieve this objective.